

State of California
Regional Water Quality Control Board
San Diego Region

SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
October 11, 2006

ITEM: 9

SUBJECT: **PUBLIC HEARING:** Request for Modification of Investigation Order No. R9-2006-0076, *Owners and Operators of Municipal Separate Storm Sewer Systems, California Department of Transportation, Hale Avenue Resource Recovery Facility, and North County Transit District Responsible for the Discharge of Bacteria, Nutrients, Sediment, and Total Dissolved Solids into Impaired Lagoons, Adjacent Beaches, and Agua Hedionda Creek.* (Wayne Chiu)

PURPOSE: To receive evidence relevant to determining whether Investigation Order No. R9-2006-0076 (Investigation Order) should be modified in accordance with the Key Issues.

PUBLIC NOTICE: Previously discussed.

DISCUSSION: The San Diego Water Board received written testimony from the City of Del Mar. No other written testimony was submitted from any other dischargers or interested persons. The comments and information submitted by the City of Del Mar address its status as a responsible discharger and the adequacy of the cost/benefit analysis in the Technical Report. These concerns are not relevant to the Key Issues noticed for the Hearing and listed below. The Executive Officer will respond to the City of Del Mar in a separate letter. Because the comments submitted by the City of Del Mar are not relevant to the Key Issues for the Hearing, and a response to will be issued separately, the San Diego Water Board should exclude this testimony from the Hearing.

KEY ISSUES: Should the San Diego Water Board exclude the City of Del Mar's written testimony because it isn't relevant to the Key Issues noticed for the Hearing?

Key Issues Noticed for Hearing:
Should the San Diego Water Board amend Investigation Order No. R9-2006-0076 to:

1. Change the due date for the Monitoring Program Work Plan in the Investigation Order from August 1, 2007 to September 1, 2007 (Directive A1, first paragraph);
2. Require a process to ensure the adequacy of the Order's directives to meet the overall goal of the Investigation Order which is to produce water quality data reports that characterize dry weather flow and storm flow influenced water quality in the water quality limited segments in order to complete development of TMDLs, and load and wasteload allocations and reductions, as described in the second paragraph of Directive A1;
3. Remove or modify the study questions and timeline associated with conducting the special studies (Directive A1.e,e1,e2 and e3 and Directive A8);
4. Change the October 1, 2007 through April 30, 2008 schedule for wet season monitoring to October 1, 2008 through April 30, 2009. Change the May 1, 2008 through September 30, 2008 schedule for dry season monitoring to May 1, 2009 through September 30, 2009 (Directives A2.iii and A3.iii);
5. Change the requirement for operation of a rain gage from October 1, 2007 to October 1, 2008 (Directive A6.iii);
6. Change the due date for the Quality Assurance Project Plan from September 1, 2007 to March 1, 2008 (Directive A9, first paragraph)?

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS: 8. Letter from Lauraine Brekke-Esparza, City Manager of the City of Del Mar, regarding Investigation Order No. R9-2006-0076, dated September 27, 2006.

RECOMMENDATION(S): Exclude the written testimony received from the City of Del Mar from the Hearing.

Recommendations for Key Issues:

1. Direct the Executive Officer to amend Investigation Order to change the due date for the Monitoring Program Workplans from August 1, 2007, to September 1, 2007.

2. Encourage the named Dischargers to work with San Diego Water Board and each other to ensure goals of Investigation Order are met.
3. Do not remove or modify special studies in Investigation Order.
4. Do not change due dates in Investigation Order.
5. Do not change due dates in Investigation Order.
6. Do not change due dates in Investigation Order.